

SUMMARY SHEET – RIGHTS OF WAY APPLICATIONS

COUNTY ROAD – *Yellowstone County* (Page 7)
- *Lewis & Clark County* (Page 8)

HISTORIC PRIVATE ACCESS ROAD – *Raymond & Elizabeth Clark* (Page 3)
- *William & Pam Dooley* (Page 4)

NEW TELEPHONE UTILITY – *Mid-Rivers Telephone Coop.* (Page 5)

PRIVATE ACCESS ROAD – *Early Springs LLC* (Page 2)
- *Leon & Parla Tirums* (Page 9)

PUBLIC USE – VETERAN’S CEMETERY – *Yellowstone County* (Page 6)

BRIDGE EASEMENT – *Department of Transportation* (Page 1)

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Montana Department of Transportation P O Box 201001 Helena MT 59620-1001
Application No.:	14414
R/W Purpose:	highway bridge construction and maintenance, including occupancy by public utilities as defined in §69-4-101, MCA
Lessee Agreement:	N/A (Navigable River)
Acreage:	1.29 (0.56 Broadwater County, 0.73 Gallatin Co.)
Compensation:	\$3,870.00
Legal Description:	tract of land across the Jefferson River between Gov. Lots 7 and 8, Sec. 27, Twp. 2N, Rge. 1E, Broadwater and Gallatin Counties
Trust Beneficiary:	Common Schools
Classification:	III



Application is made to stabilize scour around existing bridge abutments and piers on Highway 2 just West of Three Forks. The bridge is an old, existing bridge that had not been legally cited through an easement previously. The Department recommends approval.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Early Springs LLC %Melinda Merrill, P O Box 645 Ennis MT 59729
Application No.:	14415
R/W Purpose:	a private access road to Twin Knobs Subdivision and Nugget Bench Subdivision
Lessee Agreement:	N/A (Historic)
Acreage:	0.128
Compensation:	\$510.00
Legal Description:	60-foot strip through NW4SW4, Sec. 22, Twp. 4S, Rge. 1W, Madison County
Trust Beneficiary:	State Industrial School
Classification:	III



Applicant is creating two adjacent subdivisions, one consisting of seven lots and the other four lots, that are currently under consideration by the Madison County Planning Department and County Commissioners. As part of the Commissioner's requirements, the applicant must show access to the subdivisions. Requests for easements through adjacent private lands has been denied and discussions with the Montana Department of Transportation regarding a safe access approach to US Highway 287 has eliminated all possible except the existing approach on State land. The distance across state land from this approach to applicant's lands is 65 feet. However, due to the alignment, it will create a small, uneconomic remainder of State land. Applicant will be assessed a fee for damages due to this alignment, which is included in the recommended fee above. Additionally, applicant has been advised of the Board's policy to charge 1% conveyance fees for each lot as they are sold and are in agreement to paying this fee as soon as lots are sold. The Department recommends approval of this request.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Raymond R. Clark and Elizabeth Davidson Clark P O Box 1166 Forsyth MT 59327
Application No.:	14416
R/W Purpose:	a private access road to a single-family residence and associated outbuildings and for conducting normal farming and ranching operations
Lessee Agreement:	N/A (Historic)
Acreage:	0.303
Compensation:	\$100.00
Legal Description:	20-foot strip through SW4NW4, NW4SW4, Sec. 16, Twp. 3N, Rge. 43E, Rosebud County
Trust Beneficiary:	Common Schools
Classification:	III



Application is made pursuant to §77-1-130, Historic Rights of Way.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	William and Pamela Dooley 2245 N. Lyons Creek Road Wolf Creek MT 59648
Application No.:	14417
R/W Purpose:	a private access road to a single-family residence and associated outbuildings
Lessee Agreement:	N/A (Historic)
Acreage:	3.65
Compensation:	\$1,642.50
Legal Description:	30-foot strip through E2SW4, W2SE4, Sec. 16, Twp. 14N, Rge. 4W, Lewis & Clark County
Trust Beneficiary:	Common Schools
Classification:	III



Application is made pursuant to §77-1-130, Historic Rights of Way.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Mid-Rivers Telephone Cooperative, Inc. 105 Seven Mile Drive Glendive MT 59330
Application No.:	14418
R/W Purpose:	a buried telecommunications cable
Lessee Agreement:	ok
Acreage:	1.14
Compensation:	\$114.00
Legal Description:	20-foot strip through W2, Sec. 36, Twp. 14N, Rge. 58E, Wibaux County
Trust Beneficiary:	Common Schools
Classification:	III



Applicant is upgrading facilities to provide necessary linkage between the outlying areas of Wibaux County. The Department recommends approval of this request.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Yellowstone County
Application No.:	14419
R/W Purpose:	a County Veteran's Cemetery
Lessee Agreement:	ok
Acreage:	37.3
Compensation:	\$70,475.79
Legal Description:	tract of land in SE4SW4, SW4SE4, Sec. 33, Twp. 1S, Rge. 24E, Yellowstone County
Trust Beneficiary:	Common Schools
Classification:	II



This application is made to create a new Veteran's Cemetery outside of Laurel by the Laurel Airport. This project has been in the works for quite some time and has tremendous public support. The proposed easement will overlap somewhat with an existing easement granted to the Laurel Airport, however, the uses are compatible and could be shared by both parties. In spite of this, the FAA may not be in favor of sharing the easement space due to considerations associated with the funding for the airport use. Therefore, the footprint for the cemetery may change slightly to accommodate a relocation out of the existing easement to the airport. Acreage associated with a relocation would remain approximately the same and should it be over the current proposal, additional land value would be assessed. The Department recommends approval.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Yellowstone County
Application No.:	14420
R/W Purpose:	a public county road
Lessee Agreement:	ok
Acreage:	0.627
Compensation:	\$1,254.00
Legal Description:	40-foot strip of land in SE4SW4, Sec.33, Twp. 1S, Rge. 24E, Yellowstone County
Trust Beneficiary:	Common Schools
Classification:	III



Application is made to relocate a portion of the existing Laurel Airport county road to eliminate a 90 degree turn. This new alignment would create a new intersection at Laurel Airport Road and Buffalo Trail, while the old alignment would be turned over to the City of Laurel to provide access to the new County Veteran's Cemetery and City of Laurel Cemetery. The Department recommends approval of this request.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Lewis & Clark County City County Building, 316 N. Park Helena MT 59623
Application No.:	14421
R/W Purpose:	a public county road, known as Marysville Road
Lessee Agreement:	ok
Acreage:	5.524
Compensation:	\$8,838.00
Legal Description:	tract of land in S2SW4, NE4NW4, Sec. 36, Twp. 12N, Rge. 5W, Lewis & Clark County
Trust Beneficiary:	Common Schools
Classification:	III



Due to unsafe conditions of the Marysville Road, federal funding has been secured for widening and surfacing of the existing road. Lewis & Clark County approached the Department for an Acknowledgement of a Pre-Existing Easement (or RS 2477) for the original 60-foot width of the road. After Department review of the documentation supplied by the County, it was determined that the existing Marysville Road was not in place at least 5 years prior to state ownership (1884) and, therefore, could not be acknowledged as an easement without payment being made to the Common School Trust (letter to County Attorney Leo Gallagher attached). However, in light of this, the County may still want to pursue such a claim in District Court. The County must have a valid easement in place prior to December 15, 2007 in order to receive the federal funds appropriated for the Marysville Road project. Therefore, the Department is requesting that the Board approve an easement request for the entire road surface and additional acreage for this project. Should the County elect to pursue an RS 2477 claim in District Court, the land payment for the original 60-foot road width (\$5,742) would be deposited in an escrow account pending the outcome in court. The remaining \$3,096 constitutes a taking for the additional width and would be paid by the County directly to the State for deposit into the Common School permanent trust fund within 30 days of Board approval.

Rights of Way Applications

November 19, 2007

APPLICANTS AND RIGHTS OF WAY INFORMATION

Applicant:	Leon A. and Parla M. Tirums 2 Central Avenue East Cascade MT 59421
Application No.:	14422
R/W Purpose:	a private access road to a single-family residence and associated outbuildings
Lessee Agreement:	ok
Acreage:	0.70
Compensation:	\$700.00
Legal Description:	30-foot strip of land through NW4SE4, NE4SW4, Sec. 16, Twp. 17N, Rge. 2W, Cascade County
Trust Beneficiary:	Common Schools
Classification:	III



Application was reviewed under the Access Road Policy. The request is for a short segment of road to access applicant's property to the South of the State land. The existing internal roads located upon the State section are under easement to the Sudden Valley Landowners Association. Applicant is a member of the Association, however, only his property is served by the segment of road applied for under this application. The Department recommends approval of this request.
